

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DUHAMEL BROADCASTING	)	
ENTERPRISES,	)	8:03CV47
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
STRUCTURAL SYSTEMS	)	
TECHNOLOGY, INC.	)	
	)	
Defendant.	)	

This matter is before the court on the motion of plaintiff Duhamel Broadcasting Enterprises (“Duhamel Broadcasting”) to amend the judgment pursuant to Fed. R. Civ. P. 59(e), Filing No. 69, and the renewed motion of defendant Structural Systems Technology, Inc. (“SST”) for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(b) or in the alternative for a new trial pursuant to Fed. R. Civ. P. 59(e). Filing No. 73.

This action for breach of contract and negligence in connection with the collapse of a broadcasting tower was tried to the court and a jury from May 23, 2005, to May 25, 2005. Judgment was entered in favor of plaintiff on June 8, 2005. The action is related to the consolidated cases of *Fireman’s Fund v. Structural Systems Technology*, No. 8:03CV341, and *Structural Systems Technology v. National Fire and Marine*, No. 8:04CV194, which involve issues of insurance coverage for damages resulting from the collapse (“the consolidated coverage cases”). The parties in the present action are also parties to the consolidated coverage cases. The parties in the consolidated coverage cases were ordered to brief their respective positions in those cases on or before July 11, 2005, with ten days thereafter for parties to respond, at which time the matter would be deemed submitted. See Filing No. 79 in 8:04CV194 and Filing No. 47 in 8:03CV341.

The court is advised that the parties jointly make an oral motion that the court hold the pending post-trial motion in this case in abeyance until it resolves the issues in the consolidated coverage cases. The court finds the motion should be granted.

Accordingly,

IT IS HEREBY ORDERED that:

1. The parties' joint oral motion to hold the pending post-trial motions, Filing Nos. 69 and 73, is granted;
2. The pending post-trial motions, Filing Nos. 69 and 73, will be held in abeyance pending resolution of coverage issues in the consolidated cases of *Fireman's Fund v. Structural Systems Technology*, No. 8:03CV341, and *Structural Systems Technology v. National Fire and Marine*, No. 8:04CV194.
3. Pursuant to Fed. R. App. P. 4(a)(4)(A)(iv), the time to file an appeal will run for all parties from the entry of the order disposing of the pending post-trial motion.

DATED this 1st day of July, 2005.

BY THE COURT:

s/Joseph F. Bataillon  
JOSEPH F. BATAILLON  
UNITED STATES DISTRICT JUDGE